



General Assembly

January Session, 2005

***Raised Bill No. 1130***

LCO No. 3524

\*03524\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING THE DISCLOSURE OF CERTAIN INFORMATION OBTAINED BY THE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE IMPLEMENTATION OF A HIGHWAY INCIDENT NOTIFICATION PLAN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 1-210 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) Except as otherwise provided by any federal law or state statute,  
5 all records maintained or kept on file by any public agency, whether or  
6 not such records are required by any law or by any rule or regulation,  
7 shall be public records and every person shall have the right to (1)  
8 inspect such records promptly during regular office or business hours,  
9 (2) copy such records in accordance with subsection (g) of section 1-  
10 212, or (3) receive a copy of such records in accordance with section 1-  
11 212. Any agency rule or regulation, or part thereof, that conflicts with  
12 the provisions of this subsection or diminishes or curtails in any way  
13 the rights granted by this subsection shall be void. Each such agency

14 shall keep and maintain all public records in its custody at its regular  
15 office or place of business in an accessible place and, if there is no such  
16 office or place of business, the public records pertaining to such agency  
17 shall be kept in the office of the clerk of the political subdivision in  
18 which such public agency is located or of the Secretary of the State, as  
19 the case may be. Any certified record hereunder attested as a true copy  
20 by the clerk, chief or deputy of such agency or by such other person  
21 designated or empowered by law to so act, shall be competent  
22 evidence in any court of this state of the facts contained therein. Each  
23 such agency shall make, keep and maintain a record of the proceedings  
24 of its meetings.

25 (b) Nothing in the Freedom of Information Act shall be construed to  
26 require disclosure of:

27 (1) Preliminary drafts or notes provided the public agency has  
28 determined that the public interest in withholding such documents  
29 clearly outweighs the public interest in disclosure;

30 (2) Personnel or medical files and similar files the disclosure of  
31 which would constitute an invasion of personal privacy;

32 (3) Records of law enforcement agencies not otherwise available to  
33 the public which records were compiled in connection with the  
34 detection or investigation of crime, if the disclosure of said records  
35 would not be in the public interest because it would result in the  
36 disclosure of (A) the identity of informants not otherwise known or the  
37 identity of witnesses not otherwise known whose safety would be  
38 endangered or who would be subject to threat or intimidation if their  
39 identity was made known, (B) signed statements of witnesses, (C)  
40 information to be used in a prospective law enforcement action if  
41 prejudicial to such action, (D) investigatory techniques not otherwise  
42 known to the general public, (E) arrest records of a juvenile, which  
43 shall also include any investigatory files, concerning the arrest of such  
44 juvenile, compiled for law enforcement purposes, (F) the name and  
45 address of the victim of a sexual assault under section 53a-70, 53a-70a,

46 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
47 impairing of morals under section 53-21, or of an attempt thereof, or  
48 (G) uncorroborated allegations subject to destruction pursuant to  
49 section 1-216;

50 (4) Records pertaining to strategy and negotiations with respect to  
51 pending claims or pending litigation to which the public agency is a  
52 party until such litigation or claim has been finally adjudicated or  
53 otherwise settled;

54 (5) (A) Trade secrets, which for purposes of the Freedom of  
55 Information Act, are defined as information, including formulas,  
56 patterns, compilations, programs, devices, methods, techniques,  
57 processes, drawings, cost data, or customer lists that (i) derive  
58 independent economic value, actual or potential, from not being  
59 generally known to, and not being readily ascertainable by proper  
60 means by, other persons who can obtain economic value from their  
61 disclosure or use, and (ii) are the subject of efforts that are reasonable  
62 under the circumstances to maintain secrecy; and

63 (B) Commercial or financial information given in confidence, not  
64 required by statute;

65 (6) Test questions, scoring keys and other examination data used to  
66 administer a licensing examination, examination for employment or  
67 academic examinations;

68 (7) The contents of real estate appraisals, engineering or feasibility  
69 estimates and evaluations made for or by an agency relative to the  
70 acquisition of property or to prospective public supply and  
71 construction contracts, until such time as all of the property has been  
72 acquired or all proceedings or transactions have been terminated or  
73 abandoned, provided the law of eminent domain shall not be affected  
74 by this provision;

75 (8) Statements of personal worth or personal financial data required

76 by a licensing agency and filed by an applicant with such licensing  
77 agency to establish the applicant's personal qualification for the  
78 license, certificate or permit applied for;

79 (9) Records, reports and statements of strategy or negotiations with  
80 respect to collective bargaining;

81 (10) Records, tax returns, reports and statements exempted by  
82 federal law or state statutes or communications privileged by the  
83 attorney-client relationship;

84 (11) Names or addresses of students enrolled in any public school or  
85 college without the consent of each student whose name or address is  
86 to be disclosed who is eighteen years of age or older and a parent or  
87 guardian of each such student who is younger than eighteen years of  
88 age, provided this subdivision shall not be construed as prohibiting the  
89 disclosure of the names or addresses of students enrolled in any public  
90 school in a regional school district to the board of selectmen or town  
91 board of finance, as the case may be, of the town wherein the student  
92 resides for the purpose of verifying tuition payments made to such  
93 school;

94 (12) Any information obtained by the use of illegal means;

95 (13) Records of an investigation or the name of an employee  
96 providing information under the provisions of section 4-61dd;

97 (14) Adoption records and information provided for in sections 45a-  
98 746, 45a-750 and 45a-751;

99 (15) Any page of a primary petition, nominating petition,  
100 referendum petition or petition for a town meeting submitted under  
101 any provision of the general statutes or of any special act, municipal  
102 charter or ordinance, until the required processing and certification of  
103 such page has been completed by the official or officials charged with  
104 such duty after which time disclosure of such page shall be required;

105       (16) Records of complaints, including information compiled in the  
106       investigation thereof, brought to a municipal health authority pursuant  
107       to chapter 368e or a district department of health pursuant to chapter  
108       368f, until such time as the investigation is concluded or thirty days  
109       from the date of receipt of the complaint, whichever occurs first;

110       (17) Educational records which are not subject to disclosure under  
111       the Family Educational Rights and Privacy Act, 20 USC 1232g;

112       (18) Records, the disclosure of which the Commissioner of  
113       Correction, or as it applies to Whiting Forensic Division facilities of the  
114       Connecticut Valley Hospital, the Commissioner of Mental Health and  
115       Addiction Services, has reasonable grounds to believe may result in a  
116       safety risk, including the risk of harm to any person or the risk of an  
117       escape from, or a disorder in, a correctional institution or facility under  
118       the supervision of the Department of Correction or Whiting Forensic  
119       Division facilities. Such records shall include, but are not limited to:

120       (A) Security manuals, including emergency plans contained or  
121       referred to in such security manuals;

122       (B) Engineering and architectural drawings of correctional  
123       institutions or facilities or Whiting Forensic Division facilities;

124       (C) Operational specifications of security systems utilized by the  
125       Department of Correction at any correctional institution or facility or  
126       Whiting Forensic Division facilities, except that a general description  
127       of any such security system and the cost and quality of such system  
128       may be disclosed;

129       (D) Training manuals prepared for correctional institutions and  
130       facilities or Whiting Forensic Division facilities that describe, in any  
131       manner, security procedures, emergency plans or security equipment;

132       (E) Internal security audits of correctional institutions and facilities  
133       or Whiting Forensic Division facilities;

134 (F) Minutes or recordings of staff meetings of the Department of  
135 Correction or Whiting Forensic Division facilities, or portions of such  
136 minutes or recordings, that contain or reveal information relating to  
137 security or other records otherwise exempt from disclosure under this  
138 subdivision;

139 (G) Logs or other documents that contain information on the  
140 movement or assignment of inmates or staff at correctional institutions  
141 or facilities; and

142 (H) Records that contain information on contacts between inmates,  
143 as defined in section 18-84, and law enforcement officers;

144 (19) Records when there are reasonable grounds to believe  
145 disclosure may result in a safety risk, including the risk of harm to any  
146 person, any government-owned or leased institution or facility or any  
147 fixture or appurtenance and equipment attached to, or contained in,  
148 such institution or facility, except that such records shall be disclosed  
149 to a law enforcement agency upon the request of the law enforcement  
150 agency. Such reasonable grounds shall be determined (A) with respect  
151 to records concerning any executive branch agency of the state or any  
152 municipal, district or regional agency, by the Commissioner of Public  
153 Works, after consultation with the chief executive officer of the agency;  
154 (B) with respect to records concerning Judicial Department facilities,  
155 by the Chief Court Administrator; and (C) with respect to records  
156 concerning the Legislative Department, by the executive director of the  
157 Joint Committee on Legislative Management. As used in this section,  
158 "government-owned or leased institution or facility" includes, but is  
159 not limited to, an institution or facility owned or leased by a public  
160 service company, as defined in section 16-1, a certified  
161 telecommunications provider, as defined in section 16-1, a water  
162 company, as defined in section 25-32a, or a municipal utility that  
163 furnishes electric, gas or water service, but does not include an  
164 institution or facility owned or leased by the federal government, and  
165 "chief executive officer" includes, but is not limited to, an agency head,

166 department head, executive director or chief executive officer. Such  
167 records include, but are not limited to:

168 (i) Security manuals or reports;

169 (ii) Engineering and architectural drawings of government-owned  
170 or leased institutions or facilities;

171 (iii) Operational specifications of security systems utilized at any  
172 government-owned or leased institution or facility, except that a  
173 general description of any such security system and the cost and  
174 quality of such system, may be disclosed;

175 (iv) Training manuals prepared for government-owned or leased  
176 institutions or facilities that describe, in any manner, security  
177 procedures, emergency plans or security equipment;

178 (v) Internal security audits of government-owned or leased  
179 institutions or facilities;

180 (vi) Minutes or records of meetings, or portions of such minutes or  
181 records, that contain or reveal information relating to security or other  
182 records otherwise exempt from disclosure under this subdivision;

183 (vii) Logs or other documents that contain information on the  
184 movement or assignment of security personnel at government-owned  
185 or leased institutions or facilities;

186 (viii) Emergency plans and emergency recovery or response plans;  
187 and

188 (ix) With respect to a water company, as defined in section 25-32a,  
189 that provides water service: Vulnerability assessments and risk  
190 management plans, operational plans, portions of water supply plans  
191 submitted pursuant to section 25-32d that contain or reveal  
192 information the disclosure of which may result in a security risk to a  
193 water company, inspection reports, technical specifications and other

194 materials that depict or specifically describe critical water company  
195 operating facilities, collection and distribution systems or sources of  
196 supply;

197 (20) Records of standards, procedures, processes, software and  
198 codes, not otherwise available to the public, the disclosure of which  
199 would compromise the security or integrity of an information  
200 technology system;

201 (21) The residential, work or school address of any participant in the  
202 address confidentiality program established pursuant to sections 54-  
203 240 to 54-240o, inclusive;

204 (22) The electronic mail address of any person that is obtained by  
205 the Department of Transportation in connection with the  
206 implementation or administration of any plan to inform individuals  
207 about significant highway or railway incidents.

208 Sec. 2. (NEW) (*Effective from passage*) In the development and  
209 administration of any plan for individuals to receive notification of  
210 significant highway or railway incidents, the Department of  
211 Transportation shall not permanently retain or enter in a permanent  
212 database any personal information including, but not limited to, the  
213 electronic mail address of any person who receives information  
214 through the use of such plan. Nothing in this section shall be  
215 construed to prohibit the Department of Transportation from entering  
216 the electronic mail address of any person who wishes to receive such  
217 information in a computer program used by the department solely for  
218 the purpose of sending such person electronic mail that contains  
219 notification of a significant highway or railway incident.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-210(a) and (b)
Sec. 2	<i>from passage</i>	New section

Section 1	<i>from passage</i>	1-210(a) and (b)
Sec. 2	<i>from passage</i>	New section



***Statement of Purpose:***

To prohibit the disclosure and permanent retention of electronic mail addresses obtained by the Department of Transportation in connection with the administration of a plan to inform people of significant highway or railway incidents.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*